

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AKHTEYAR MOHAMMAD,

Petitioner,

V.

Civil Action No. 05-CV-0996 (JR)

GEORGE W. BUSH,
President of the United States,
et al.,

Respondents.

**RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE AND
NOTICE OF SUBMISSION UNDER SEAL**

Respondents hereby submit, as explained herein, the final record of proceedings before the Combatant Status Review Tribunal pertaining to petitioner Akhtiar Mohammad (listed in the petition as Akhteyar Mohammad) in response to the May 27, 2005 docket entry in this matter, entitled “Order to Show Cause,” directing respondents to “make a return certifying the true cause of petitioner’s detention.” For the reasons explained in the record, petitioner Akhtiar Mohammad has been determined to be an enemy combatant associated with forces engaged in hostilities against the United States or its coalition partners, and who participated in hostilities against the United States or its coalition partners. Accordingly, petitioner Akhtiar Mohammad is lawfully subject to detention pursuant to the President’s power as Commander in Chief or otherwise, and is being detained.

The portion of the record suitable for public release is attached hereto. See Exhibit A. The remaining portion of the record, including information that is classified or not suitable for public release, which may not be shared with petitioner, is being submitted to the Court under seal for *in camera* review.

For the reasons explained in the record, petitioner Akhtiar Mohammad has been determined to be an enemy combatant and is, therefore, lawfully subject to detention pursuant to the President's power as Commander in Chief or otherwise. Accordingly, the petition for writ of habeas corpus should be dismissed and the relief sought therein denied.

Dated: June 15, 2005

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2005, I caused a copy of the foregoing Respondents' Response to Order to Show Cause and Notice of Submission Under Seal, and Exhibit A attached thereto, to be served via U.S. Mail, First Class postage prepaid, on petitioner:

Akhtiar Mohammad
Camp Delta; Guantanamo Bay
Washington, D.C. 20355

/s/ Preeya M. Noronha
PREEYA M. NORONHA
United States Department of Justice
Civil Division, Federal Programs Branch

One of the Attorneys for Respondents